

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1971.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	October 24, 2002
DATE OF REPORT:	November 22, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	February 26, 2003

COMPLAINT ISSUES:

Whether the Gary Community Schools violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, by failing to provide speech therapy.

FINDINGS OF FACT:

1. The student (Student) is 7 years and eligible for special education and related services as a student with a moderate mental disability and a communication disability.
2. The IEP dated December 10, 2001, documents that the Student will receive speech services two times each week for 30 minutes each session; however, the Complainant asserts that the Student has not received speech services as required during the 2002-2003 school year. The School reports that the speech/language pathologist (SLP) retired at the end of the 2001-2002 school year, and acknowledges that a SLP has not been secured.
3. The Principal sent a letter to parents of the 21 students whose IEPs require speech therapy services but who have not received them, and included a statement indicating that compensatory services would be offered once a SLP is secured.

CONCLUSIONS:

1. Finding of Fact #2 and #3 indicate that the School has not provided the Student with speech therapy services as required by the IEP. Finding of Fact #3 reflects that the School notified the parents, and indicated that compensatory services would be offered after a SLP is employed. Therefore, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Gary Community Schools shall:

Update the division in writing on the last business day each month of the status of the school's efforts to locate a licensed SLP. **This process shall continue until a SLP is hired. When a SLP has been hired, the parents shall be contacted and case conferences convened to determine the amount and provision of compensatory speech therapy services to students who were affected by the lack of an SLP. Copies of the students' IEPs shall be submitted to the Division. A date for the IEPs to be submitted will be arranged after the SLP has been employed.**